

**In The United States Patent and Trademark Office
On Appeal From The Examiner To The Board
of Patent Appeals and Interferences**

In re Application of: Anjali Chandnani et al.
Serial No.: 09/905,343
Filing Date: July 14, 2001
Group Art Unit: 2437
Confirmation No. 3770
Examiner: Michael J. Pyzocha
Title: DETECTION OF POLYMORPHIC SCRIPT
LANGUAGE VIRUSES BY DATA DRIVEN
LEXICAL ANALYSIS

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Supplemental Appeal Brief in Response to
Notification of Non-Compliant Appeal Brief

Appellants have appealed to the Board of Patent Appeals and Interferences (“Board”) from the decision of the Examiner mailed July 21, 2008 (the “Final Office Action”), finally rejecting pending Claims 1-14, 16-22, and 24. Appellants filed a Notice of Appeal on October 21, 2008 along with a Pre-Appeal Brief Request for Review. The Pre-Appeal Panel, in a decision of December 22, 2008, determined that this Application should Proceed to Appeal. Appellants submitted an Appeal Brief on January 21, 2009. Appellants respectfully submit this Supplemental Appeal Brief, including the status of all claims, in response to the Notification of Non-Compliant Appeal Brief dated June 8, 2009.

Status of Claims

Claims 1-14, 16-22, and 24 are pending as of a Final Office Action dated July 21, 2008. Claims 1-14, 16-22, and 24 stand rejected pursuant to the Final Office Action and Claims 15, 23, 25, and 26 are canceled.

Specifically, Claims 1, 7, 8, 10-14, 16, 22, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,711,583 to Chess et al. (“*Chess*”) in view of U.S. Patent No. 5,881,151 to Yamamoto (“*Yamamoto*”). Claims 2, 3, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the modified *Chess*, *Yamamoto* and *Van De Vanter* system as applied to Claims 1 and 16 above, and further in view of “Session 19: Intro to Complier Design” (“*Session*”). Claims 4-6 and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the modified *Chess*, *Yamamoto* and *Van De Vanter* system as applied to Claims 1 and 16 above, and further in view of U.S. Patent No. 6,418,444 to Raduchel et al. (“*Raduchel*”). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the modified *Chess*, *Yamamoto* and *Van De Vanter* system as applied to Claim 1 above, and further in view of U.S. Patent No. 6,609,205 to Bernhard et al. (“*Bernhard*”).

For the reasons discussed below, Appellants respectfully submit that these rejections are improper and should be reversed by the Board. Accordingly, Appellants present Claims 1-14, 16-22, and 24 for Appeal and set forth these claims in Appendix A.

Conclusion

In the original Appeal Brief submitted January 21, 2009, Appellants authorized the Commissioner to charge the large entity fee of \$540.00 under 37 C.F.R. §§1.191(a) and 1.17(b) for filing this Appeal Brief to Deposit Account No. 02-0384 of Baker Botts L.L.P. Thus, Appellants believe that no additional fees are due at this time. Although no fees are believed to be due at this time, the Commissioner is authorized to charge any additional fees and/or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: 7-7-09

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